

Memorandum

To: DISTRICT DIRECTORS
CENTRAL DESIGN

Date: February 21, 1989

File: ACQUISITION
General

616:2

From: DEPARTMENT OF TRANSPORTATION
DIRECTOR'S OFFICE

Subject: Revised Policy on Resolution of Necessity Hearings

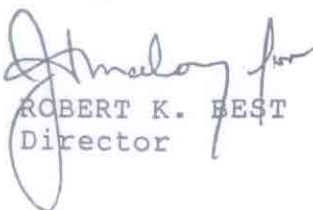
The intent of this memorandum is to establish a more expeditious and positive process in dealing with Resolution of Necessity appearances at California Transportation Commission meetings.

When a property owner challenges adoption of a resolution, the District is responsible for identifying all issues, allegations, and alternatives, as well as recommending changes in design or scheduling, if appropriate. District Directors shall ensure that appropriate personnel work with the owner throughout the process in an effort to resolve the owner's concerns.

If the District's recommendation is to proceed, an Appearance Information Sheet shall be submitted to the Chief of the Office of Project Planning and Design in the Division of Project Development, in accordance with Section 3-2 of the Project Development Procedures Manual. The Chief of the Office of Project Planning and Design, after consulting with the Chief, Division of Right of Way, shall decide if the District's recommendation will be forwarded to a Condemnation Review Panel designated by the Chief Engineer.

The Condemnation Review Panel shall consist of one or more individuals having career experiences in law, engineering, or right of way. The Chief Engineer shall approve individuals eligible to serve on Condemnation Review Panels. The Review Panel shall have the responsibility to schedule meetings with affected property owners and others, as appropriate, to obtain relevant factual information and expeditiously prepare an independent written recommendation for the Department's use before the Transportation Commission. The Chief Engineer shall decide when a Resolution of Necessity will be submitted to the Commission.

A representative of the Condemnation Review Panel normally will be expected to be available at the time the Resolution of Necessity is considered by the Transportation Commission in order to present the panel's findings to the Commission.


ROBERT K. BEST
Director